HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.24929 of 2005

-

-

Between:

Vasavi Club Hospital Charitable Trust,
Regd.No.477/2005, Market Street,
Dharmavaram, Anantapur District,
Rep., by its Director Ch.Ramachandran
and two others

……Petitioners

And

The Commissioner of Civil Supplies,
Civil Supplies Bhavan, Erramanzil,
Hyderabad and another

……Respondents

:: ORDER ::

Counsel for the Petitioners : Shri C.V.Rudra Prasad

Counsel for the Respondents : Government Pleader for Civil Supplies

November 20, 2006

Per G.S. SINGHVI, CJ

In this petition filed in public interest, Vasavi Club Hospital Charitable Trust, Dharmavaram, District Anantapur, N. Laxmaiah, S/o Venkataswamy, resident of Dharmavaram and K.Nagaraju, S/o K. Venkataram, resident of Dharmavaram have prayed for quashing communication dated 07-11-2005 issued by District Collector, Anantapur (respondent No.2) whereby distribution of ration has been confined to those who hold new white ration cards received under biometric system. They have further prayed for issue of a mandamus to the respondents to distribute essential commodities to the holders of old cards and also extend the period for issuance of new ration cards.

In the affidavit filed by petitioner No.2-N. Laxmaiah, it has been averred that despite an unequivocal direction given by this Court in W.P.M.P.NO.23947 of 2005 (Writ Petition No.18823 of 2005} that Civil Supplies Department should supply declaration format in Telugu, respondent No.2 has issued format in English language, with which majority of card holders are not conversant.

We would have delved deep into the matter and adjudicated on the legality of the impugned communication but the necessity of doing so has been obviated because in the counter affidavit filed by respondent No.2, it has been averred that the impugned communication will not be given effect to and new ration cards will be issued after getting the declaration filled in the new format which is in Telugu. For the sake of convenience, the affidavit of respondent No.2 is reproduced below:

"In reply to Para 4 to 11 it is submitted that the Government of Andhra Pradesh has initiated an innovative process for issuing ration cards to all the eligible persons in the State by using IRIS Technology as a part of revamping public distribution system. Initially the scheme was taken up in Municipal Towns of the State. Families with an annual income below Rs.24,000/-, target group being eligible families residing in slum/weaker section colonies, workers in informal sectors like porters, coolies, rickshaw pullers and cart pullers, fruit and flower venders on pavements. As guiding principle to access the income, the main consideration is families whose children are studying in Government Schools and domestic servants/casual workers in unorganized sector.

As a part of this scheme, the issue of ration cards was taken up in the seven municipalities of the district during the last week of June, 2005 by establishing 30 Designated Photo Location Centres (DPLs) in the 7 Municipalities. These DPLs were located at convenient public places basing on the existing households/card strength. New cards as well as exchange of existing cards will be issued in the DPL Centres on the information furnished by the beneficiary in a declaration form (ICR Format) in Telugu. New white ration cards are issued after verification of the data furnished in the ICR format through field verification. On exchange of existing while and pink cards are issued across the counter on surrendering of the existing cards after entering the data furnished in the declaration form on line through the computers by obtaining the IRIS of all the family members in respect of white cards and IRIS of spouse/spouses in respect of pink cards. At each DPL Centre 4 to 5 persons in the Cadre of Junior Assistants are posted for guiding the public to fill the (declaration forms) ICR Sheets apart from

the Bill Collectors of the municipal wards were asked to handover the Declaration Forms (ICR Sheets) to each of the households earmarking specific date and time to go to the DPL Centre for obtaining a new/exchange card. In order to regulate the crowds at each DPL, 150 to 200 pre-printed tokens were issued specifying date and time to visit the DPLs.

All the nitty-gritty's have been taken into consideration to ensure that the beneficiaries shall not wait at the DPL Centres and do not run pillar to post and to avoid any middle men. Hence, it is not correct to state that with the imposition of present rule the majority of the beneficiaries are unnecessarily wait for days together depriving their livelihood. In fact on an average 100 to 120 cards have been issued on an average per day in each DPL.

The total number of households (as per the projected figure of the Chief Planning Officer) upto 2005 in all the seven municipalities in 174526. The distribution of cards in all the municipalities have been completed. The total No. of cards distributed in the Municipalities at this time of completion and as follows:

1. White :: 157593
2. AAY :: 12725
3. Annapoorna :: 311
4. Pink :: 61474

In order to ensure that all the beneficiaries are issued with cards, special municipal council meetings have been convened in the second week of November, 2005 to place on record the work done and to take stock of the situation and to ensure that the cards have been issued in a democratic way. All the Municipal Councils after taking stock of the situation have passed resolutions. In fact before closure of each of the DPLs, wide publicity has been given in the local

print and electronic media, and also through mike system fitted to autos indicating the date of closure of DPLs and asking the public to obtain their cards. The Proceedings dated 7-11-2005 directing all the Municipal Mandal Revenue Officers to take action for distribution of ration cards to those who hold the new white cards received under bio-metric system and to those who obtained (exchanged) cards and coupons shall be given rice for the month of November, 2005 is only to hasten the process of issue of ration cards only and not to deprive the rice to the eligible poor. As the process of issue of cards has not been completed till November, 2005, a meeting of the 7 Urban Mandal Revenue Officers were held on 26-11-2005 and instructions were issued to the Mandal Revenue Officers to ensure issue of rice to all the cardholders (both new and exchange cards) upto 30th of November on obtaining coupons, and with regard to unexchanged cards rice shall be issued from 1st to 3rd of December, 2005 (vide Para No.2 of the Minutes of meeting held on 26-11-2005 by the Joint Collector, Anantapur). This is with a view to ensure that all the cardholders (both new and not exchanged) shall draw their ration. Hence, it is not correct to state that the issue of ration cards is done in an arbitrary way depriving the benefits to the poor.

Further it is submitted that the remaining Mandals distribution of Ration cards in the district is nearing completion.

In the circumstances, it is submitted that the order dated 7-11-2005 is issued with a view to ensure speedy completion of the process only and not to deprive ration to the beneficiaries. In fact the issue of ration cards in all the municipal areas has been completed in Anantapur District and the District Administration is duty bound to see that all

the eligible poor persons are issued ration cards in a democratic way.

In view of the above, it is submitted that the order dated 07-11-2005 of District Collector, Anantapur has not been given effect to. Hence, the Writ Petition No.24929/2005 filed by Vasavi Club Hospital Charitable Trust and Two others, Dharmavaram, Anantapur District deserves no consideration and the same is liable to be dismissed."

In view of the stand taken in the affidavit of respondent No.2, the writ petition is disposed of as infructuous with liberty to the petitioners to seek its revival if new ration cards are not issued to the existing card holders only on the ground that they have not filled up the format in English.

As a sequel to disposal of the writ petition as infructuous, WPMP No.32041 of 2005 filed by the petitioners for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

20-11-2006
ks